

REMARKS

Claims 1-31 are pending in the application. Claims 1, 21, and 30 are the only independent claims.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-7, 9-15, and 17-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,352,503 to Matsui et al. ("Matsui").

Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui in view of U.S. Patent No. 5,630,782 to Adair.

Claim 1 Applicant respectfully traverses the rejection of claims 1, 21, and 30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,352,503 to Matsui et al. Contrary to the position taken by the Examiner, the Matsui patent does not disclose or suggest an endoscope that has "a distal end portion split longitudinally into a plurality of independently operable working segments each provided with at least one longitudinally extending working channel." Instead, Matsui discloses a conventional endoscope (1) that is a unitary member undivided at its distal end. The Matsui reference further discloses two "treating tool leading insertion tools (guide tubes) 2." These guide tubes (2) are separate and distinct from the endoscope (1) and are inserted into a patient via respective channels of a multiple channel tube unit (5).

Applicant's invention as set forth in claim 1 is directed to an endoscope, not an endoscopic surgery apparatus as taught by Matsui et al. The endoscopic surgery apparatus of that patent has separate components (1, 2) that are inserted through respective channels in a multiple-channel guide tube (5). The Matsui reference neither discloses nor suggests an endoscope having "a distal end portion split longitudinally into a plurality of independently operable working segments each provided with at least one longitudinally extending working channel."

Claim 7 Dependent claim 7 recites specific structure that further distinguishes over Matsui. As recited in claim 7, an optics-bearing additional segment of the claimed

endoscope is cylindrical and centrally disposed with respect to the working segments. The working segments are annular sections in cross-section and surround the additional segment.

Matsui discloses or suggests no such structure.

Claim 30 Independent claim 30 is patentable over the cited art for the same reasons as claim 1.

Claim 21 Applicant respectfully contravenes the Examiner's rejection of claim 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,352,503 to Matsui et al. As recited in independent claim 21, a flexible endoscopic method comprises (a) introducing an insertion member of a flexible fiberoptic endoscope into a patient, the insertion member having illumination and image transmission components, (b) thereafter, while maintaining a distal end portion of the endoscope in the patient, separating the distal end portion into a plurality of independent longitudinally extending working segments each having at least one longitudinally extending working channel, (c) passing a plurality of flexible endoscopic surgical instruments through the channels of the working segments, (d) while visualizing internal body tissues of the patient via the illumination and image transmission components, operating the surgical instruments via the respective working segments to perform a surgical operation on the internal body tissues, and (e) independently maneuvering the separated working segments inside the patient to enable the performance of the surgical operation.

Pursuant to the observations made above, Matsui does not disclose or suggest the step of separating a distal end portion of an endoscope into a plurality of independent longitudinally extending working segments each having at least one longitudinally extending working channel. The endoscope of Matsui cannot be split. Instead, Matsui discloses inserting into a patient a plurality of independent bendable flexible tool-guide members (2) and a separate endoscope (1) through respective channels of a multiple-channel tube (5).

Conclusion

For the foregoing reasons, independent claims 1, 21, and 30, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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